

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JEFFREY SCOTT ZIEGLER,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C14-5407 BHS-KLS

ORDER DENYING PETITIONER'S  
MOTION FOR THE APPOINTMENT  
OF COUNSEL

Petitioner Jeffrey Scott Ziegler seeks the appointment of counsel in this 28 U.S.C. §2254 matter. Dkt. 14. The Court finds that the motion should be denied.

There is no right to have counsel appointed in cases brought under 28 U.S.C. §2254, unless an evidentiary hearing is required or such appointment is “necessary for the effective utilization of discovery procedures.” *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9<sup>th</sup> Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9<sup>th</sup> Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9<sup>th</sup> Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court also may appoint counsel “at any stage of the case if the interest of justice so require.” *Weygandt*, 718 F.2d at 754. In deciding whether to appoint counsel, however, the Court “must evaluate the

1 likelihood of success on the merits as well as the ability of the petitioner to articulate his claims  
2 pro se in light of the complexity of the legal issues involved.” *Id.*

3 Mr. Ziegler moves for the appointment of counsel based on his indigency, lack of training  
4 in the law, and limited access to the law library. The Court has not determined that an  
5 evidentiary hearing is required in this case, nor does it appear one is needed at this time. See  
6 Rule Governing Section 2254 Cases in the United States District Courts 8(c). In addition, Mr.  
7 Ziegler has not shown that his particular conditions of confinement are such that “the interests of  
8 justice” require appointment of counsel at this stage of the proceedings.

9 Accordingly, Petitioner’s motion for the appointment of counsel (Dkt. 14) is **DENIED**.  
10 The Clerk shall send a copy of this Order to Petitioner and to counsel for Respondent.

11 DATED this 7<sup>th</sup> day of July, 2014.

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15 United States Magistrate Judge  
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